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## Before the FEDERAL COMMUNICATIONS COMMISSION Washington, DC 20054

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FEBERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

| In the Matter of                       | ) |              |  |
|--|---|--------------|--|
| Progeny LMS, LLC                       | } | RM No. 10403 |  |
|  | ) |              |  |
|  | ) |              |  |
| Amendment of Part 90 of the            | , |              |  |
| Commissions Rules Governing            |   |              |  |
| The Location and Monitoring            |   |              |  |
| Service to Provide Greater Flexibility | ) |              |  |

## REPLY COMMENTS ON ARRAYCOMM, INC.

ArrayComm, Inc. (hereinafter ArrayComm) is pleased to submit the following Reply Comments in the above-entitled matter.

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June 4,2002

ArrayComm is a leader in the development of next generation wireless technology. It has been particularly active in the development of "smart antennas" and for its utilization of Time Division Duplex (TDD) technology to provide high-speed wireless data systems.

Over the past three years, ArrayComm has participated in several Commission rule-making proceedings that have involved the allocation or reallocation of spectrum for wireless purposes. More recently, ArrayComm has been vitally interested in the 1670-1675 MHz band which is a part of GN Docket No. 02-08. That proceeding is moving rapidly toward completion; a Report and Order 'containing the service rules has been adopted, and a Public Notice' setting forth the date for Auction along with the appropriate ground rules has been issued. The 1670-

As ArrayComm has stated in other dockets, mobile wireless data will become an increasingly important service, and one that is best – most economically and efficiently—delivered by TDD systems. It is important, therefore, that spectrum be available to

1675 MHz band continues to be the focus of ArrayComm's spectrum-related objectives.

accommodate such services.

The instant petition filed by Progeny LMS, LLC ("Progeny") coupled with the encouraging step by the Commission in putting it out for public comment is, therefore, encouraging. In fact, ArrayComm has been specifically asked by Progeny whether it would participate in this stage of the Docket and, in particular, to evaluate the use of this band for TDD purposes.

In the abstract, the 900 MHz band is well-suited for mobile use, including TDD. The part of the band that has been, and could he, subject to licensing, via auctions, is attractive in size.

4.7

**Adopted** May 10,2002.

Public Notice **DA** 02-1257, released May 24, 2002

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Further, the rules that Progeny would modify or eliminate' would also contribute to make that spectrum more usable, as far as ArrayComm is concerned.

As a practical matter, however, the Comments filed, albeit relatively few, oppose the Progeny position unanimously (except, **of** course, for Havens). ArrayComm has not studied in detail the merits of these opposing Comments and only offers **a** "first blush" observation: it appears that they are mainly concerned about the impact on the <u>unlicensed</u> portion of the spectrum, a portion Progeny contends would be unaffected by its proposed changes.

Assuming Progeny's contentions to be accurate, ArrayComm's interest is both piqued and augmented. We would caution, however, that **for** its purposes ArrayComm might propose modifications to the existing rules beyond what Progeny (and Havens) have sought.

Thus, if the Commission were to launch a rule-making governing 902-928 MHz, either in the form **of** a Notice **of** Proposed Rule Making or a Notice of Inquiry, ArrayComm would be strongly inclined to participate.

The thrust of a subsequent proceeding could well advance one of the Commission's objectives: to make spectrum available as flexibly as possible to increase its utilization.

Respectfully submitted, **ArrayComm, Inc.** 

By: /s/
Marc Goldburg
Chief Technical Officer

2480 N. First Street, Suite 200 San Jose, CA 95 131-9080 (408) 428-9080

<sup>&</sup>lt;sup>3</sup> ArrayComm notes that the Comments of Warren Havens call for many of the same changes advanced by Progeny. The Havens' position is more far-reaching and involves bands, other than 902-928 MHz.

## **CERTIFICATE OF SERVICE**

I, Danielle Marie Gibbs, certify that on this 4th day **of** June, 2002, a true and correct copy of the foregoing Comments of ArrayComm, Inc. were served via courier or First Class Mail\* on the following persons:

Danielle Marie Gibbs

William F. Canton Acting Secretary Federal Communications Commission 445 12th Street, S.W. Room TW-A225 Washington, DC 20554

Chairman Michael Powell Federal Communications Commission 445 12th Street, S.W. Washington, DC 20554

Peter Tenhula Office **of** Chairman Powell Federal Communications Commission 445 12th Street, S.W. Washington, DC 20554

Commissioner Kathleen Abemathy Federal Communications Commission 445 12th Street, S.W. Washington, DC 20054

Bryan Tramont Office of Commissioner Abemathy Federal Communications Commission 445 12th Street, S.W. Washington, DC 20554 Commissioner Michael Copps Federal Communications Commission 445 12th Street, S.W. Washington, DC 20554

Paul Margie Office of Commissioner Martin Federal Communications Commission 445 12th Street, S.W. Washington, DC 20554 Commissioner Kevin Martin Federal Communications Commission 445 12th Street, S.W. Washington, DC 20554

Monica Desai Office of Commissioner Martin Federal Communications Commission 445 12th Street, S.W. Washington, DC 20554

Paul Kolodzy
Office of Engineering and Technology
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

**Edmund Thomas** 

Office of Engineering and Technology Federal Communications Commission 445 12th Street, S.W. Washington, DC 20054

Julius Knapp

Office of Engineering and Technology Federal Communications Commission 445 12th Street, S.W. Washington, DC 20554

Bruce Franca

Office of Engineering and Technology Federal Communications Commission 445 12th Street, S.W. Room 7-C153 Washington, DC 20554

Ira Keltz

Office of Engineering and Technology Federal Communications Commission 445 12th Street, S.W. Washington, DC 20554

Kathleen Ham Deputy Chief Wireless Telecommunications Bureau Federal Communications Commission 445 12th Street, S.W. Washington, DC 20554

Zenji Nakazawa

Wireless Telecommunications Bureau Federal Communications Commission 445 12th Street, S.W. Washington, DC 20054

Brian Marenco

Wireless Telecommunications Bureau Federal Communications Commission 445 12th Street, S.W. Washington, DC 20054 Tim Maguire

Wireless Telecommunications Bureau Federal Communications Commission 445 12th Street, S.W. Washington, DC 20554

Lisa Gaisford

Office of Engineering and Technology Federal Communications Commission 445 12th Street, S.W. Washington, DC 20554

Thomas Sugrue

Chief, Wireless Telecommunications Bureau Federal Communications Commission 445 12th Street, S.W. Washington, DC 20554

Margie Wiener

Wireless Telecommunications Bureau Federal Communications Commission 445 12th Street, S.W. Washington, DC 20554

Nese Guendelsberger Wireless Telecommunications Bureau Federal Communications Commission 445 12th Street, S.W. Washington, DC 20554

Kelly Quinn

Wireless Telecommunications Bureau Federal Communications Commission 445 12th Street, S.W. Washington, DC 20554

Richard Arsenault, Esquire Wireless Telecommunications Bureau Federal Communications Bureau 445 12th Street, S.W. Room 4-A267 Washington, DC 20554 James Schlichting
Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

David Furth Senior Legal Advisor Wireless Telecommunications Bureau Federal Communications Commission 445 12th Street, S.W. Washington, DC 20554

Robert Pepper Chief Office of Plans and Policy Federal Communications Communication 445 12th Street, S.W. Washington, DC 20554

Qualex International Portals II 445 12th Street, S.W. Room CY-B402 Washington, DC 20554

Delaney D. Stefano, Esquire\* Schwaninger & Associates, P.C. 1331 H Street, N.W., Suite 500 Washington, DC 20005

Warren C. Havens and Telesaurus Holdings, GB, LLC\* dba, LMS Wireless 2509 Stuart Street Berkeley, CA 94705

Joseph Godles, Esquire\* Goldberg, Godles, Wiener & Wright 1229 19th Street, N.W. Washington, DC 20036

Vincent De Garlais\*
1400 Glenarm Place, Suite 100
Denver, Colorado 80202

Robert Primosch, **Esquire\***Wilkinson, Barker, Knauer, LLP
2300 N Street, N.W.
Suite 700
Washington, DC 20037

Stacy Williams\*
100 Milton Park
20000 Mill Creek Avenue, Suite 100
Alpharetta, **GA** 30022